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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL COWAN METCALF,

Defendant.

Case No. CR-23-103-BLG-SPW

**DEFENDANT'S OPPOSED
MOTION TO CONTINUE
TRIAL**

COMES NOW the Defendant, Gabriel Cowan Metcalf, by and through his counsel of record, RUSSELL A. HART, Assistant Federal Defender and the FEDERAL DEFENDERS OF MONTANA, and moves the Court for an order continuing the trial currently scheduled for March 25, 2024.

The grounds for this motion are as follows:

1. The Defendant requests additional time to consult with his attorney and prepare for trial.

For this reason, the Defendant requests the Court to continue the trial of this matter. Further, it will prejudice the Defendant if this continuance is not granted. Counsel for Defendant asserts that the ends of justice served by granting of such continuance outweigh the best interest of the public and the Defendant in a speedy trial. Defendant further asserts that for purposes of the speedy trial act, the number of days which this matter is continued are excludible under 18 U.S.C. § 3161(h)(8)(A)(B)(iv).

The Defendant is currently released in the community subject to conditions.

Counsel has contacted the United States Attorney's Office regarding this continuance, and the United States objects to the relief sought by this Motion.

RESPECTFULLY SUBMITTED this 11th day of March, 2024.

/s/ Russell A. Hart
RUSSELL A. HART
Federal Defenders of Montana
Counsel for Defendant

CERTIFICATE OF SERVICE
L.R.5.2(b)

I hereby certify that on March 11, 2024, a copy of the foregoing document was served on the following persons by the following means:

- 1, 2 CM-EDF
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- 1. CLERK, UNITED STATES DISTRICT COURT

 - 2. THOMAS K. GODFREY
Assistant United States Attorney
United States Attorney's Office
2602 2nd Avenue North, Suite 3200
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Counsel for the United States of America

 - 3. GABRIEL COWAN METCALF
Defendant

/s/ Russell A. Hart
RUSSELL A. HART
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Counsel for Defendant